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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,176	10/30/2001	Raza Hayder	NOR/1017	1395

37172 7590 10-08/2003

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EXAMINER

PARKER, FREDERICK JOHN

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,176	HAYDER ET AL.	
	Examiner	Art Unit	
	Frederick J. Parker	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3, 4</u> | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

Election/Restrictions

Non-elected claims 7-10 stand withdrawn, but have not been canceled.

Information Disclosure Statement

The Examiner encloses the two correctly filled out 1449 forms which were incompletely initialed. The Examiner apologizes for the oversight.

Claim Rejections - 35 USC § 112

The explanations in response to the 35 USC 112 rejections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the rejections.

Prior Art rejections of the previous Office Action are withdrawn in view of amendment. The new rejections below are necessitated by Applicants' amendments.

Claim Rejections - 35 USC § 102

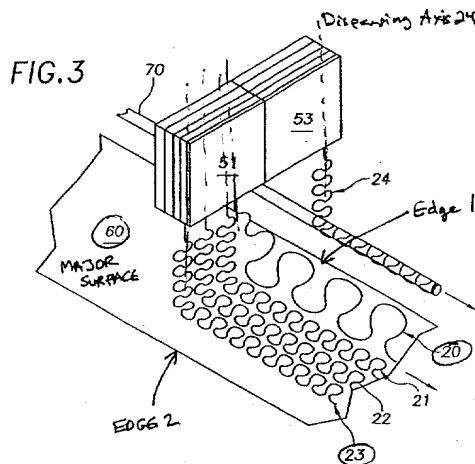
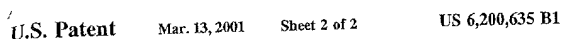
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwok US 6200635 published 3/13/01 and filed 8/31/1998.

Kwok teaches a method for applying visco-elastic adhesive streams onto band-like substrates (figures explicitly show substrates having 2 major opposing surfaces with connecting opposite minor edges per Applicants' independent claims, see e.g. 60 in fig. 3 below) which are transported below an applicator which dispenses spiral/ omega-shaped patterns of the adhesives onto the substrates. The substrate and dispenser are "spaced apart" and non-contacting with a major surface of the substrate facing the outlet from which adhesive is dispensed. As shown, the substrate/ band is guided so that, for example, the outlet dispensing stream 20 and its dispensing axis is closer to edge 1 than the other side edge 2; the outlet dispensing stream 23 and its dispensing axis is closer to edge 2 than the other edge 1; and so forth as illustrated below, thus meeting the limitations of the "guiding" step. The dispensed liquid streams are clearly "expanded" width-wise to form the omega patterns described on column 4, 6-51. The substrate/ band is transported in alignment with the stream outlet/ dispensing axes (dotted lines, below) or such even parallel patterns shown would be impossible. Thus the reference meets every limitation as currently set forth by the claims.



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3. Claims 3 and 6 distinguish over the prior art for the same reasons set forth in the previous Office Action; they are objected to for depending from a rejected base claim.

RESPONSE TO ARGUMENTS

Applicants argue the Creamer reference teaches a “contact” coating method in which the coating stream does not “expand during flight”, as opposed to the non-contact method in which the dispensed material expands during flight of Applicants’ claims. The Examiner agrees. These new features are, however, clearly taught by Kwok in the above rejection. Applicants also argue neither edge of the strip is closer to the dispensing axis of the applicators in Creamer. On this point, the Examiner respectfully disagrees as explained in detail in the previous Office Action. The Bolyard reference met this limitation, see figures 2 or 5. The Examiner contends Applicants are not clearly stating their intended invention so that the references reads on Applicants claim language as provided. Response to arguments regarding secondary references are moot in view of withdrawal of all previous rejections, and the new rejections above required by amendment.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 703/308-3474. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on 703/308-2333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0661.


Frederick J. Parker
Primary Examiner
Art Unit 1762

fjp